

**CITY OF MORGAN HILL
CITY COUNCIL SPECIAL MEETING
MINUTES – SEPTEMBER 21, 2005**

CALL TO ORDER

Mayor Kennedy called the special meeting to order at 7:07 p.m.

ROLL CALL ATTENDANCE

Present: Council Members Carr, Grzan, Sellers, Tate and Mayor Kennedy

DECLARATION OF POSTING OF AGENDA

City Clerk Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

At the invitation of Mayor/Chairman Kennedy, Katherine Soult, a Live Oak High School Student, led the Pledge of Allegiance.

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the floor to public comment for items not appearing on this evening's agenda.

Rebecca Van Dahlen informed the Council that she sent Council Members an e-mail. She indicated that she and the Mueller family have sustained water damage to their homes, on several occasions, as a result of the high water pressure in certain areas in Morgan Hill. She stated that both the Public Utilities Commission (PUC) and the American Water Workers Association state that water pressure above 120 psi is not good engineering and is out of standard with their published materials. She indicated that they have water pressure coming into their homes above 200 psi, and that this has caused considerable damage. She said that in the most recent incident, a portion of her driveway has been damaged because the pipe burst between the meter box and the Muellers' home. She said that it would cost over \$10,000 to repair the damage. In working with the City on this situation, they have discovered that there are policies in affect that do not take care of its residents. She felt that this has been a known issue by the individuals charged with taking care of the City's water system, and that they are aware that there are homes that receive an inordinately high water pressure. She said the City advises homeowners to install water pressure regulators if one has over 120 psi water pressure. She said that they have attempted to proceed with the recommendations of the City; installing water pressure regulators. She said that the last break at her home occurred between the meter and the pressure regulator valve. She stated that there is not much more she can do as a homeowner to correct the situation as it is the City who is regulated by the PUC. She said that she and the Muellers have each absorbed over \$10,000 worth of

damage, out of pocket. Further, this does not address what it will do to them insurance-wise. She felt the City needs to resolve the situation so that homeowners are not unknowingly going to suffer this kind of loss. She felt that the proper location/installation of pressure regulators needs to be communicated to citizens. Should the City not take proactive measures, it forces homeowners to try and force the City to correct the problem. She stated that they are willing to absorb what has been lost thus far. However, she wants the City to come forward and correct the problem.

Mayor Kennedy read a statement regarding Family Day; a day to eat dinner with children. He indicated that the day earmarked for this program is Monday, September 26, 2005 and that it is sponsored by the National Center on Addiction and Substance Abuse at Columbia University, Nick at Night and others. He encouraged parents to have dinner with their children, as a family.

City Manager Tewes said that in light of potential litigation, his comments would be brief. He informed the Council that staff and he have had several conversations with the Van Dahlens and Muellers regarding the situation. He said that there are two issues: 1) the claim that may arise out of damage that occurred a couple of weeks ago; and 2) what is the appropriate public policy for operating a water system in a steep hillside area. Regarding the claim, he stated that it is staff's view that it is the responsibility of private property owners with water damage to make repairs on "their side of the meter." He said that since the time he met with the Muellers and the Van Dahlens, the actual leak had not been uncovered. Therefore, the exact cause of damage was not known. It was indicated that the water pipe laid underneath a driveway that had been initially constructed with decomposed granite, and later asphalted. He stated that it is correct that in the hillside and in many of the City's pressure zones, there is pressure higher than 120 psi. The municipal code requires that property owners place pressure regulator valves on their side of the meter. He stated that the water in hillside areas begin in a storage reservoir located at the top of the hill, and that the bottom of the water column pressure is higher than further up the hill. He indicated that he has committed to the Muellers and the Van Dahlens to review these issues and report back to them. He indicated that he would make the same commitment to the Council, returning to the Council in a few weeks. He stated that staff will undertake the review of what would be the appropriate policy for operating the water system in difficult areas. He felt that it would be appropriate to refer this matter to the Utilities & Environment Committee to the extent that it may involve changes to the operation of the water system/investment in the system.

Mayor Kennedy requested that staff present the report to the Council's Utilities & Environment Committee before returning to the Council.

No further comments were offered.

City Council Action

CONSENT CALENDAR:

Action: *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Sellers, the City Council unanimously (5-0) **Approved** Consent Calendar Item 1, as follows:*

1. **EMERGENCY EXPENDITURE FOR SEWER LINE REPAIR NEAR OAK HILL COURT – Resolution No. 5948**

Action: *1) **Adopted** Resolution No. 5948, Declaring the Need for Emergency Expenditure for Sewer Line Repair in the Jackson Oaks Area; and 2) **Approved** Funding in the Amount of \$30,000 for the Emergency Work.*

ADJOURNMENT

There being no further business, Mayor Kennedy adjourned the meeting at 7:36 p.m.

MINUTES RECORDED AND PREPARED BY:

IRMA TORREZ, CITY CLERK